

In the United States District Court
Southern District of Texas
McAllen Division

Juanita Garza,
Plaintiff,

vs.

Janet Kay Griffin and
Celadon Trucking Services, Inc.,
Defendants.

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Civil Action No. _____

Notice of Removal

To the Honorable Judge of the United States District Court for the Southern District of Texas, McAllen Division:

Now Come Celadon Trucking Services, Inc. and Janet Kay Griffin, Defendants in the above styled and numbered Civil Action, and file their Notice of Removal by and through the undersigned counsel and would respectfully show unto the Court the following:

Notice of Removal

1. Defendants, Celadon Trucking Services, Inc. and Janet Kay Griffin, hereby give notice of removal of the above entitled action from the 381st District Court of Starr County, Texas, to the United States District Court, Southern District of Texas, McAllen Division.

Statement of Facts

2. This Litigation arises out of a January 18, 2013 automobile/tractor-trailer collision. Juanita Garza stopped her automobile for a yellow traffic light, and was then struck from behind by a Celadon tractor-trailer, driven by Janet Kay Griffin.

3. Juanita Garza filed suit in the 381st District Court of Starr County on June 6, 2013. Service by on Celadon by certified mail was effected on June 24, 2013.

4. According to the Original Petition, Plaintiff Juanita Garza is a citizen of Texas. Defendant Celadon is a citizen of Delaware, where it was incorporated, and a citizen of Indiana, where has its principal place of business. 28 U.S.C.A. § 1332(c)(1). Defendant Janet Kay Griffin was a citizen of the state of Tennessee at the time of the underlying accident and is now a citizen of Nebraska. Complete diversity of citizenship between the parties exists.

5. Juanita Garza states claims for negligence against Janet Kay Griffin and negligent entrustment against Celadon. According to Juanita Garza's original petition, the amount in controversy is between \$200,000.00 and \$1,000,000.00, establishing diversity jurisdiction and justifying this removal.

Removal Pursuant to 28 U.S.C.A. §§ 1332, 1441, 1446

6. Pursuant to 28 U.S.C.A. §1332 and 28 U.S.C.A. §1441, this Case is removable due to complete diversity between the plaintiff, a Texas citizen, and a defendant that is a Delaware corporation with its principal place of business in Indiana and a defendant who was a citizen of the state of Tennessee and is now a citizen of Nebraska.

7. This Notice of Removal is being filed within thirty days of receipt or service of Plaintiff's Original Petition. 28 U.S.C.A. § 1446(b) (1996).

8. Written notice of the filing of this notice of removal will be served on Plaintiff's counsel of record. A true and correct copy of this notice of removal will also be filed with the Starr County District Clerk.
9. Celadon and Janet Kay Griffin desire to remove this Action to federal court as provided by law.
10. Certified copies of the state docket sheet, citations, original petition, together with all of the papers and pleadings filed with the Starr County District Clerk and/or served on Defendants Celadon and Janet Kay Griffin, are attached to this Notice. 28 U.S.C.A. § 1449. All pleadings, process, orders and all other filings in the state court action are also attached as required by 28 U.S.C.A. § 1446(a). An index of the matters being filed, a list of all counsel of record, and a copy of the docket sheet are also attached. *Local Rules Texas* (S.D.), Rule 3K (1999).
11. Venue is proper in this Court under 28 U.S.C.A. § 1441(a) because this District and Division embrace the place in which the removed action was previously pending.
12. Wherefore, Celadon and Janet Kay Griffin pray that the above entitled action be removed from the 381st District Court of Starr County to this Court.

Dated this 3rd day of July, 2013.

Respectfully submitted,

By: s/ _____
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and Janet Kay Griffin
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Certificate of service

A correct copy of Celadon Trucking Service, Inc. and Janet Kay Griffin's Notice of Removal was by facsimile or certified mail, return receipt requested, on all attorneys of record on July 3, 2013. FED. R. CIV. P. 5.

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s/ _____
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